

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

-against-

ANDREW DEFRANCESCO, MARLIO
MAURICIO DIAZ CARDONA, CARLOS
FELIPE REZK, NIKOLA FAUKOVIC,
AND CATHERINE DEFRANCESCO,

Defendants.

Civil Action No.: 23-cv-00131-JSR

ORAL ARGUMENT REQUESTED

**NOTICE OF DEFENDANT ANDREW DEFRANCESCO'S
MOTION TO DISMISS COUNTS ONE AND TWO OF THE COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Andrew DeFrancesco's Motion to Dismiss Counts One and Two of the Complaint and such other submissions as may be filed in support of this Motion, Defendant Andrew DeFrancesco, by and through his undersigned counsel, will move this Court, before the Honorable Jed S. Rakoff, at the Thurgood Marshall United States Courthouse located at 40 Foley Square, New York, New York, on a date and time to be set by the Court, for an order: (i) dismissing Counts One and Two of the Complaint as against him with prejudice pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure; and (ii) for such other relief as the Court deems just and proper.

Dated: New York, New York
April 5, 2023

MILBANK LLP

By: /s/ Adam Fee
George S. Canellos
Adam Fee
Jeremy B. Butt
55 Hudson Yards
New York, NY 10001 /
2029 Century Park East, 33rd Fl.
Los Angeles, CA 90067
Telephone: (212) 530-5000
gcanellos@milbank.com
afee@milbank.com
jbutt@milbank.com

Counsel for Defendant Andrew DeFrancesco